

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT JORDAN, ROBERT McKAY,
and THE MBTA POLICE
PATROLMAN'S UNION,

Plaintiffs,

vs.

Civil Action No. 04-10927-RGS

JOSEPH C. CARTER, individually and
as Chief of the MBTA Police Department,
and THE MBTA POLICE
DEPARTMENT,

Defendants.

NOTICE OF INTERLOCUTORY APPEAL

Defendant Joseph C. Carter ("Chief Carter") hereby notices his appeal to the United States Court of Appeals for the First Circuit from the January 14, 2005 decision and Order of the Court, which granted in part and denied in part defendants' motion for judgment on the pleadings, to the extent that such Order (a) denied judgment for Chief Carter on plaintiff's claims against Chief Carter in his individual capacity and (b) declined to hold that Chief Carter is immune from suit for such claims. See Behrens v. Pelletier, 516 U.S. 299 (1996); Mitchell v. Forsyth, 472 U.S. 511 (1985).

Respectfully submitted,

JOSEPH C. CARTER

By his attorneys,

/s/Mark W. Batten

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February 1, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by first-class mail, postage prepaid, this 1st day of February, 2005.

/s/ Mark W. Batten

Mark W. Batten